

Translation

PATENT COOPERATION TREATY

PCT/JP2003/004705



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference F0301PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/004705	International filing date (day/month/year) 14 April 2003 (14.04.2003)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC A61K 7/06		
Applicant SHIN-ETSU CHEMICAL CO., LTD.		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 12 November 2004 (12.11.2004)	Date of completion of this report 03 March 2005 (03.03.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/004705

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-2,4,6-28 _____, as originally filed/furnished
- pages* _____ 3,5 _____ received by this Authority on _____ 25 February 2005 (25.02.2005)
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 2-26 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1 _____ received by this Authority on _____ 25 February 2005 (25.02.2005)
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP03/04705

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

1-26

YES

Claims

NO

Inventive step (IS)

Claims

1-26

YES

Claims

NO

Industrial applicability (IA)

Claims

1-26

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

The ISR cites the following documents 1-4.

Document 1: EP, 1213316, A2 (Shin-Etsu Chemical Co., Ltd.)

Document 2: EP, 1065234, A2 (Shin-Etsu Chemical Co., Ltd.)

Document 3: US, 6290942, B1 (Shin-Etsu Chemical Co., Ltd.)

Document 4: WO, 98-20833, A2 (L'Oreal)

The general formula (1) representing the polyhydric alcohol-modified silicones to be mixed in hair cosmetics of document 1 are similar to the organopolysiloxanes of formula (1) of the present application in chemical structural (see the claims and Examples 9, 20 and 21 of document 1).

However, in the organopolysiloxanes of document 1, an OH group or an OR group is bonded to a Si atom through a carbon atom, while in the organopolysiloxanes of the present application as amended, the OH group or OR group of R² is bonded to a Si atom directly without the intervention of a carbon atom or at least through a silicon atom. So, in this regard, the chemical structure of document 1 is different from that of the present application, and the bonding method of the said OH group or OR group of R² to the Si atom in the present application cannot be derived from the disclosure of document 1.

Document 2 discloses the organopolysiloxanes of the formula (1) of the present application, but the compounds are used as treating agents for cosmetic powders, and document 2 neither describes nor suggests that they are used for hair cosmetics.

Documents 3 and 4 respectively disclose silicone compounds used as hair treating agents, but their structure is different from the structure of the formula (1) of the present application. Furthermore, documents 3 and 4 do not include any description suggesting the derivation of the said chemical structure.

Therefore, the subject matters of claims 1-26 of the present application appear to be novel and to involve an inventive step in view of documents 1-4.